

### **REMARKS**

Entry of this amendment and reconsideration are respectfully requested in light of the amendments made to the claims and the remarks made herein.

Claims 1-17 are pending and stand rejected. Claims 7 and 15 have been amended. No new matter has been added.

Claims 15-17 stand rejected under 35 USC §112, second paragraph as being indefinite as claim 15 recites the limitation "said interconnected speech recognizing and echo canceling facilities."

Applicant wishes to thank the examiner for his observation and has amended the claim to correct the error noted. Having amended the claims to correct the error noted, applicant submits that the reason for the examiner's rejection has been overcome. Applicant respectfully requests that the amendment be entered and the claims allowed.

Claims 16 and 17 depend from claim 15, which has been amended to overcome the examiner's rejection and is now in an allowable form. Accordingly, claims 16 and 17 are also allowable by virtual of their dependency upon an allowable base claim.

Claims 1-17 are rejected under 35 USC 103(a) as being unpatentable over Douma (USP no. 5,583,965) in view of Brown (USP no. 6,589,822). The examiner has maintained the rejection of the claims citing the same references using in the rejecting the claims in the prior Office Action. The examiner has further provided addition rationale for his rejection of the claims in reply to the applicant's remarks. In reply to the applicant's remarks the examiner "agrees ... that Douma fails to describe any echo-cancellation feature. The inclusion of Brown overcomes this deficiency ... for the benefit

of ‘obtaining a speech recognition system capable of higher recognition accuracy by canceling out unintended speech inputs from a feedback device. ... the applicant argues that Douma does not consider echo cancellation and Brown fails to suggest ‘driving the echo canceling facilities...’, however the examiner notes that it is the combination of the teachings of Douma and Brown that teaches this limitation by implementing Brown’s echo canceling means in each of Douma’s speech controlled devices. Since all speech recognition processing is combined ... it would be inherent that the echo cancellation processing taught by Brown would also be combined as a result.” (see instant Office Action, page 3).

Applicant wishes to thank the examiner for providing further information regarding the reason for rejecting the claims. However, Applicant respectfully disagrees with, and explicitly traverses, the reason for the examiners rejection of the claim.

As applicant argued in the response to the prior Office Action, Douma discloses a voice recognition system that allows the user to input either voice only material, non-voice material, or a combination of voice and non-voice material. The purpose of the input of the voice and non-voice material is to train the voice recognition system to use the non-voice material provided with the voice material when the voice material is provided at a later time in the voice only mode. Douma allows for a microphone and manual (keyboard) entries to allow a user to “input instruction data to the computer separately from the voice data input.” (see col. 3, lines 19-22). Douma fails to describe any echo-cancellation feature. Rather than echo cancellation, Douma provides for changes in the users voice (“one’s voice changes from day to day. For example, illness or stress can cause one’s voice to change over the course of time.” See, col. 1, lines 33-

36) by providing for a non-voice material input substantially concurrently with a voice input. Thus, as the user's voice changes, the voice recognition system in the computer can be re-trained to accommodate the user's voice changes. Douma neither teaches nor suggests that the non-voice input is used for echo cancellation.

Brown, as read by applicant, discloses a platform for interactive voice response over the Internet that includes a speech synthesizer, a grammar generator and a speech recognizer. The synthesizer generates speech that characterizes the structure and content of a web page, and the generated speech is delivered to a user via an audio interface device. The speech recognizer is used to interpret voice commands generated by the user. In the case that the user begins speaking prior to the speech synthesizer completing its message, Brown suggests echo cancellation "to remove synthesizer output from the speech recognition input so that speech recognition will be unaffected by the TTS output." (see col. 6, lines 23-26). However, Brown merely recites a conventional echo cancellation practice that may be used to remove an interfering signal from the synthesizer output. Brown fails to show any echo cancellation means in any of the figures describing the invention or explains how one would implement the echo cancellation to meet the described use. Accordingly, one would not look to Brown for including echo-canceling used for "driving the echo canceling facilities to combine their forces by one or more thereof for canceling one or more mutually unique cancelable speech entities and combining such cancelled entities for overall non-recognition by the system," as is recited in the claims, because Brown fails to suggest or disclose such use of an echo-cancellation feature.

In rejecting claim 1, the examiner states that, Douma fails to describe any echo-cancellation and Brown overcomes this deficiency. (Instant Office Action, page 3) and that “Douma and Brown are analogous art ... Thus, it would have been obvious ... to combine the echo canceling facilities taught by Brown ...[with] Douma to avoid possible recognition errors as a result of speech feedback to a user from the feedback device.”(Instant Office Action, page 6).

With regard to obviousness the courts have continually held that there must be some suggestion in the teachings of the prior art as “[t]he very ease with which the invention can be understood may prompt one to fall victim to the ... effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher.” Iron Grip Barbell Company v. USA Sports, Inc., 04-1149 (Fed.Cir. 2004), (quoting In re Kotzab, 217 F.3d 1365, 1369 (Fed. Cir. 2000). “Where an invention is contended to be obvious ... our cases require that there be a suggestion, motivation or teaching ... for such a combination.” Id. (quoting In re Fine, 837, F.2d 1071, 1074 (Fed. Cir. 1988). “This requirement prevents the use of ‘the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight.” Id. (quoting Ecolchem, Inc. v. So. Cal. Edison Co., 227 F.3d 1361, 1371-1372 (Fed. Cir. 2000), quoting In re Dembiczak, 175 F. 3d 994, 999 (Fed. Cir. 1999).

In this case applicant believes that the examiner has impermissibly used the teachings of the instant application as a blueprint to combine the teachings of Douma and Brown without any suggestion or teaching for such combination by either reference. The examiner fails to show what suggestion or teachings the references provide for combining their teachings as suggested. Rather the examiner has provided a rationale for the

combination of the cited references “to avoid possible recognition errors,” that neither reference suggests or teaches. Hence, rather than finding a motivation or suggestion to develop the novel features of the present invention in the combination of Douma and Brown, the examiner has inferred such motivation or suggestion after reading the description of the present invention. In fact, Douma teaches providing a non-voice input means that the user may use to correct recognition errors that may occur when the user’s voice changes for illness or stress and does not suggest using echo-cancellation.

Applicant submits that with regard to claim 1, the reason for the examiner’s rejection has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claim 15, the examiner rejected this claim because “Douma and Brown teach all of the limitations of claim 1, and Brown further teaches the use of an audio interface for speech input and output as shown in Fig. 2 ... Thus, the rejection of Claim 15 is proper.”

However, as noted in the remarks made above, the combined teachings of Douma and Brown does not include all the elements recited in claim 1. Hence, even if Brown teaches the use of an audio interface, the combination of Douma and Brown would not render obvious the invention recited in claim 15 as the combined teachings would not include all the elements recited in claim 15.

Having shown that there even if the references were combined, the combined device would not include all the elements claimed, applicant submits that with regard to claim 15, the reason for the examiner’s rejections has been overcome and the rejection

can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claims 2-14, 16 and 17, these claims ultimately depend from claims 1 and 15, which have been shown to be allowable. Accordingly, claims 2-14, 16 and 17 are also allowable by virtue of their dependency upon an allowable base claim. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.


With regard to the amendments made to claims 7 and 15 applicant submits that the amendments were made to correct errors in form and not to overcome any of the references cited. Accordingly, the amendments made are not related to the patentability as the substance of the originally filed claims has not been amended.

Although the last Office Action was made final, this amendment should be entered. Claims 7 and 15 have each been amended to correct errors in form. Since only corrections in form have been made, no matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,  
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